

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO 10-10943-RWZ

OAHN NGUYEN CHUNG,
Individually and as Administratrix of the Estate of LISA TAM CHUNG,
and LIEM CHUNG

v.

STUDENTCITY.COM, INC., d/b/a GRADCITY.COM,
d/b/a SPRINGBREAKDISCOUNTS.COM, d/b/a LEISURETOURS,
d/b/a SUN COAST VACATIONS, d/b/a SPRING BREAK TRAVEL

ORDER

June 6, 2018

ZOBEL, S.D.J.

In their second post-remand motion to compel, plaintiffs essentially seek three categories of documents: (1) those they contend are wrongfully withheld pursuant to work product and/or attorney-client privilege (Request Nos. 17--18, 26, 28, 38--42, 47--48, 50--52, 63--64); (2) a detailed, dated list of staff and students present for the 2008 Cancun tour (Request Nos. 29-31); and (3) the pleadings in defendant's Mexican litigation against the owner of the *Sea Star* (Request Nos. 59-61).

As to the first category comprised of purportedly privileged documents, plaintiffs' motion is denied as to the documents for which Spanish originals have already been produced (Bates Nos. SC01294-1390). Defendant shall produce all other purportedly privileged documents to the court for *in camera* review.

As to the second category, plaintiffs' motion is denied. Defendant has complied with this court's prior order (Docket # 110) by providing a list of participants including arrival and departure dates for staff.

As to the third category, plaintiffs' motion is allowed. It is implausible that the complaint in a lawsuit brought by defendant is not in its possession or control. However, defendant was not previously, and is not now, ordered to produce a video it does not have.

In sum, Docket # 112 is allowed in part and denied in part. The parties' joint request for extension of fact discovery is allowed, with a new deadline to be determined once the privilege issue has been decided.

June 6, 2018

DATE

/s/Rya W. Zobel

RYA W. ZOBEL
SENIOR UNITED STATES DISTRICT JUDGE